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ing or grand stand, notwithstanding their defective condition resulting from the carelessness of a contractor, and from no negligent act or fault whatever of the owner. *Francis v. Cockrell*, L. R. 5 Q. B. 501; *Barrett v. Imp. Co.*, 174 N. Y. 311. There is little tendency to establish the proposition that the same duty that requires an owner to be responsible for the safe condition of the premises also requires him to be equally responsible for the manner in which the exhibition is conducted. Yet a somewhat analogous principle has been sanctioned by the Indiana court, upon the theory that a peculiar relation was created between the parties, and that the owner, having licensed and permitted the exhibition, could not escape liability by an appeal to the independent contractor doctrine. *Conrad v. Clauve*, 93 Ind. 476.

NUISANCE—POLLUTION OF ICE FIELD—INJUNCTION.—AMERICAN ICE CO. V. CATSKILL CEMENT CO., 88 N. Y. Supp. 456.—*Held*, that the plaintiff was entitled to an injunction restraining the defendant during the ice harvesting season from so operating its manufacturing establishment as to cause dust, cinders, and other substances to settle upon plaintiffs' ice fields, thereby rendering the ice unmerchantable.

This case is, undoubtedly, the first one to be found in the reports affording a remedy of this nature in respect to ice fields, concerning which the law has been slow in developing. The destruction of ornamental and useful trees by the gases from a brick kiln is such irreparable injury as a court of equity will enjoin. *Campbell v. Seaman*, 63 N. Y. 568. That case also held that it was immaterial that the injury was not continuous, but only occurred when the wind was in a certain direction. The fact that the defendant was chargeable with no negligence does not affect the case. *Bohan v. Port Jervis G. S. Co.*, 122 N. Y. 18.

STREET RAILWAYS—INJURY TO PASSENGER—RIDING ON PLATFORM.—BRUMNCHON V. RHODE ISLAND CO., 58 Atl. (R. I.) 656. *Held*, that a passenger thrown from the platform of an electric street car on which he is riding, can recover from the company though his riding there contributed to the injury.

It is well settled that any person standing on the platform of steam cars in motion is guilty of contributory negligence if his being there partly caused the injury. *Hickey v. Boston, etc., R. Co.*, 14 Allen 421; *Memphis, etc., R. Co. v. Salinger*, 46 Ark. 528. On the other hand, it is not held, as a rule, that riding on the platform of horse cars is negligent; *Nolan v. Brooklyn R. Co.*, 87 N. Y. 63; even though there are seats inside. *Bruno v. Brooklyn R. Co.*, 5 N. Y. Misc. 327. In regard to electric railways there seems to be no case directly in point. The cases here all turned on the crowded condition of the cars or some similar circumstance which excused the riding on the platform. *Wilde, v. Lynn & Boston, etc., R. Co.*, 163 Mass. 533; *Reber v. Pittsburg, etc. Co.*, 179 Pa. 339. The best course is probably, as in the present case, to leave it to the jury to say whether on the particular car in question the speed was such as to make it negligence to ride on the platform when there is room inside.

WILLS—DESCENT OF BURIAL LOTS—RESIDUARY DEVISE.—IN RE WALDRON ET AL, 58 Atl. 458 (R. I.).—*Held*, that a burial lot is not included under a general residuary clause, but descends to heirs as intestate property.

The ownership of lots in a cemetery is a qualified property, somewhat analogous to an exclusive easement. *Sohier v. Trinity Church*, 109 Mass. 1; *Cemetery v. Buffalo*, 46 N. Y. 503. It is subject to the police power, which may not only prohibit future interments, but may cause the removal of bodies